

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: PV Ranch Company LLC., 602 S. Ferguson Ave., Suite 2, Bozeman, MT 59718
2. Type of action: Application for Beneficial Water Use Permit 42KJ 30154975
3. Water source name: Groundwater
4. Location affected by project: Section 9, T6N, R35E, Treasure County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from groundwater, by means of two wells named Well 7S (28 feet deep) and Pen 8 Well (32 feet deep) , from January 1 through December 31 at 27 GPM up to 43.55 AF, from points in the NWSWSW Section 9, T6N, R35E, Treasure County (Well 7S) and the NWSESW Section 9, T6N, R35E, Treasure County, for multiple domestic, stock and commercial use from January 1 through December 31. The Applicant proposes to provide domestic water to five residences, water to one processing shed and stock water to 22 tanks within a feedlot. The place of use is generally located N2SWSW, N2SESW, NESW, and NWSE, Section 9, T6N, R35E, Treasure County approximately 6 miles west of Hysham, Montana. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Natural Resources and Conservation
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
Montana Heritage Project
Montana Sage Grouse Habitat Conservation Program
United States Fish & Wildlife Service
United States Natural Resource Conservation Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – The source of supply is groundwater, so it has not been identified by the Montana Department of Fish, Wildlife and Parks as chronically or periodically dewatered. The proposed project would deplete Muggins Creek and the Yellowstone River. Neither of these is chronically nor periodically dewatered in the project area.

Determination: No significant impact.

Water quality – The source of supply is groundwater so the proposed project will not worsen any stream impairment.

Determination: No significant impact.

Groundwater – The proposed project will take up to 27 GPM and 43.55 AF of water from the groundwater. The availability of groundwater in the project area exceeds all legal demands. The project has the potential to affect groundwater quality because the proposed use includes a feedlot and cattle processing shed. The appropriator will be required to install backflow prevention on the wells. The groundwater appropriation will deplete Muggins Creek, and the Yellowstone River as discussed above.

Determination: No significant impact.

DIVERSION WORKS – The diversion works consists of two wells that feed water to a pipeline system to serve a feedlot, multiple houses and a cattle processing shed. The pipeline is in place. The proposed project would not affect channel morphology, flow characteristics, riparian environments, and would not create a barrier of any kind. The wells were drilled by a licensed well contractor.

Determination: No impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program, there are seventeen animal species of concern in the general area of the proposed project. This list includes seven species of bat, five bird species, two species of fish, the Black-tailed Prairie Dog the Spiny Softshell and the Snapping Turtle. There are no plant species of concern in the project area. Appropriating water from wells will not alter available habitat for any species or create barriers to migration or movement. The relatively small depletions to surface water will not negatively affect fish habitat. The project does not lie within sage grouse habitat as mapped by the Montana Sage Grouse Habitat Conservation Program.

Determination: No significant impact.

Wetlands – There are no wetlands in the project area, and none a proposed.

Determination: No impact.

Ponds – There are no ponds within the project area, and none are proposed.

Determination: No impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – Use of groundwater from two wells for multiple domestic and stock use has no potential to alter soil quality, stability, or moisture.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – There is no vegetative cover in the proposed project area. The land is in use as a feedlot. No change to vegetative cover is proposed. The appropriator would be responsible for preventing the establishment or spread of noxious weeds.

Determination: No impact.

AIR QUALITY – The presence of a feedlot has the potential to degrade air quality locally. The production and use of water which is the basis for this action does not itself degrade air quality.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES – The project is not located on State or Federal lands.

Determination: Not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No additional demands of land, water or energy not discussed above are recognized.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals.

Determination: Not applicable.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – There are no roads or other forms of access through the project area and thus, no impacts to access to recreational or wilderness activities will occur.

Determination: No impact.

HUMAN HEALTH – The use of wells to provide water to stock in a feedlot has no potential to negatively affect human health.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No__X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Not applicable.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.*
- (b) Local and state tax base and tax revenues? No significant impact.*
- (c) Existing land uses? No significant impact.*
- (d) Quantity and distribution of employment? No significant impact.*
- (e) Distribution and density of population and housing? No significant impact.*
- (f) Demands for government services? No significant impact.*
- (g) Industrial and commercial activity? No significant impact.*
- (h) Utilities? No significant impact.*
- (i) Transportation? No significant impact.*
- (j) Safety? No significant impact.*
- (k) Other appropriate social and economic circumstances? No significant impact.*

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts are recognized.

Cumulative Impacts: No cumulative impacts are recognized.

3. *Describe any mitigation/stipulation measures:* None.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* The only reasonable alternative to the proposed project is the no action

alternative. The no action alternative has little or no environmental benefit over the proposed action and prevents the Applicant from obtaining a reliable source of water for the feedlot.

PART III. Conclusion

1. Preferred Alternative: issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

2. Comments and Responses: None.

3. Finding:
Yes___ No_**X**___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts related to the proposed project are recognized and the environmental assessment is the appropriate level of analysis.

Name of person(s) responsible for preparation of EA:

Name: Mark Elison

Title: Regional Manager

Date: 8/18/2022